

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LUIGI WARREN,

Plaintiff,

vs.

THE CHILDREN'S HOSPITAL
CORPORATION

Defendant

Civ. A. No. 17-12472-DLC

PLAINTIFF'S RULE 26(a)(1) INITIAL DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a)(1) and the Scheduling Order, plaintiff makes the following initial disclosures to the defendant in the above-referenced lawsuit. These disclosures are based on information presently known and reasonably available to plaintiff and which plaintiff reasonably believes he may use in support of his claims and defenses. Continuing investigation and discovery may cause plaintiff to amend these initial disclosures, including by identifying other potential witnesses, documents and by disclosing other pertinent information. Plaintiff therefore reserves the right to supplement these initial disclosures. By providing these initial disclosures, plaintiff does not represent that he is identifying every document, tangible thing or witness possibly relevant to this action.

I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT MAY BE USED TO SUPPORT PLAINTIFF'S CLAIMS

Witness	Subject of Information
Ryan Dietz BCH TIDO 300 Longwood Ave. Boston, MA 02115 (617) 919-3019	As the licensing officer responsible for the Moderna license agreement at both IDI and BCH, Mr. Dietz has information about the deal and about IDI's and BCH's license revenue sharing arrangements as they pertain to this license and more generally.
Dr. Derrick Rossi BCH 200 Longwood Ave. Boston, MA 02115 (617) 713-8900	As Dr. Warren's co-inventor on the Technology licensed to Moderna in 2010, Dr. Rossi has information about the timeline of the invention, representations made regarding licensing revenue distribution at different times, and efforts that have been made to institute a custom revenue split for Moderna licensing proceeds.
Dr. Frederick W. Alt BCH One Blackfan Circle Boston, MA 02115 (617) 919-2539	As Director of the Program in Cellular and Molecular Medicine, (formerly IDI) at BCH, Dr. Alt has general information about the merger of IDI with BCH (and possibly also about royalty distribution arrangements) and should be able to identify past or present officials with more specific, detailed information on these matters.
Doreen Donovan Myriant Corporation 42 Cummings Park Woburn, MA 01801 (781) 569-6250	As the Director of Human Resources at IDI during the period of the plaintiff's employment, Ms. Donovan has information about onboarding policies and practices there, including as they relate to the IDI Research and Technology Development Policy.
Lisa Pight BCH TIDO 300 Longwood Ave. Boston, MA 02115 (617) 919-3017	As the Financial Assistant responsible for distributing royalty statements and checks in BCH's Technology and Innovation Development Office (TIDO), Ms. Pight has information regarding the administration of licensing revenue distributions.
Dianne McCarthy CHIA 501 Boylston Street Boston, MA 02116 (617) 701-8100	As the then-Chief Counsel for Research Affairs at BCH who sent the plaintiff a copy of the IDI Research and Technology Development Policy in 2011, Ms. McCarthy has information about BCH's stance on the applicable inventions policy before the 2012 IDI-BCH merger.
David Resnick Nixon Peabody LLP 100 Summer Street Boston, MA 02110 (617) 345-6057	As IDI's outside counsel at Nixon-Peabody who sent the plaintiff a draft lawsuit citing the IDI Research and Technology Development Policy in 2011, Mr. Resnick has information about IDI's stance on the applicable invention policy before the 2012 IDI-BCH merger.

Witness	Subject of Information
Dr. Han Lee AstraZeneca Corporate Development Gaithersburg, MD Han.Lee@astrazeneca.com	As a fellow researcher with whom Dr. Warren consulted in 2008 regarding the practicality of using synthetic mRNA to modulate cell state, Dr. Lee has information regarding the timeline of the invention of the Technology.
Dr. Sun Hur BCH 3 Blackfan Circle Boston, MA 02115 (617) 713-8250	As a fellow researcher with whom Dr. Warren consulted in 2008 regarding the challenges presented by cellular immune responses to synthetic mRNA, Dr. Hur has information regarding the timeline of the invention of the Technology.
Chairman of the IDI Board of Trustees (Needs to Be Identified)	Plaintiff does not know the identity of the Chairman of the IDI Board of Trustees during the run-up to the BCH merger (2008-2012). This individual will have information on IDI's inventions policy and any impact on the policy arising from IDI's affiliation and later merger with BCH.
Chairman of IDI's Research and Technology Development Committee (Needs to Be Identified)	Plaintiff does not know the identity of the Chairman of IDI's Research and Development Committee when the Moderna deal was executed. This individual will have information on IDI's inventions policy at the time of the deal and any special issues or treatment pertaining to the Moderna transaction.
Chairman of the Equity Subcommittee of IDI's Research and Technology Development Committee (Needs to Be Identified)	Plaintiff does not know the identity of the Chairman of the Equity Subcommittee of IDI's Research and Development Committee when the Moderna deal was executed. This individual will have information on IDI's policies regarding the receipt of equity and the handling of the Moderna case.

II. CATEGORIES AND LOCATIONS OF DOCUMENTS

Attached Item or Category	Location
Emails and letters from Dr. Rossi and IDI Human Resources in regards the plaintiff's appointment at IDI, his position there, and his resignation from the Institute.	Attached.
Pages from the plaintiff's lab notebook relating to his original conception of the licensed invention and his reporting of that invention to his IDI supervisor, Dr. Rossi.	Attached.
Plaintiff's original 2010 invention assignment in respect of the technology licensed to Moderna, and the two follow-on assignments he executed in 2011.	Attached.
Electronic exchanges from 2011 between plaintiff and Ryan Dietz in re his request for follow-on assignments and POAs, nature of Moderna deal, plaintiff's rights to royalties, etc.	Attached.
Draft CDAs addressing the IDI-Moderna licensing agreement (IDI Case 08-011), sent to the plaintiff by Ryan Dietz in 2011.	Attached.
Letter sent to plaintiff by BCH's Chief Counsel for Research Affairs in 2011 and follow-on email exchanges in regards his obligation to execute follow-on assignments.	Attached.
Electronic exchanges between plaintiff and IDI's outside counsel at Nixon-Peabody from 2011 re plaintiff's obligation to execute follow-on invention assignments and POAs.	Attached.
Draft complaint seeking injunction sent to plaintiff by IDI's lawyers at Nixon-Peabody in 2011 to support their demand for his execution of follow-on assignments and POAs.	Attached.
2013 request from Ryan Dietz for plaintiff's declarations to support IP prosecution.	Attached.
Supporting declarations provided by the plaintiff to facilitate prosecution of the IP for the licensed technology.	Attached.
Electronic exchange between plaintiff and Ryan Dietz in re info required to prepare the first royalty distribution in 2015.	Attached.
Cover letters and statements that accompanied royalty checks issued to plaintiff in 2015 – 2017.	Attached.

Attached Item or Category	Location
Electronic exchanges from 2017 between plaintiff and Ryan Dietz regarding the royalty split issue.	Attached.
Plaintiff's contemporaneous notes from August 18, 2017 call with Ryan Dietz regarding the royalty split issue.	Attached.
Proposed custom royalty split agreement dated January 22, 2017, emailed to the plaintiff by Ryan Dietz in August 2017.	Attached.
Electronic exchanges from 2017 between plaintiff and Dr. Derrick Rossi regarding the royalty split issue.	Attached.
Electronic exchanges in re plaintiff's request to BCH for his IDI personnel records in 2017.	Attached
2004 IDI Research and Technology Development Policy.	Attached.
1992 Children's Hospital Policy on Inventions and Intellectual Property.	Attached.
2015 Intellectual Property Policy of Boston Children's Hospital.	Attached.
Partial photographic record of plaintiff's Rossi Lab scientific notebooks, covering approximately 1400 notebook pages with a focus on the mRNA reprogramming project.	Plaintiff has electronic copies.
Backups of plaintiff's IDI email account (warren@idi.harvard.edu) made at various times.	Plaintiff has electronic copies.
Provisional patent filing.	Plaintiff has paper copy.
Press releases, news reports, articles, official filings and other public documents regarding IDI and BCH, Moderna and various pertinent issues of law, taxation and finance.	Plaintiff has electronic copies.

III. CALCULATION OF DAMAGES

Not applicable as the plaintiff is seeking equitable relief.

IV. INSURANCE

Plaintiff has no applicable insurance.

Dated: March 29, 2018 By: /s/ Luigi Warren

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